REMARKS

The present Amendment is in response to the Office Action dated September 18, 2006 in reference to the above-identified application. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by December 18, 2006. Filed concurrently herewith is a request for a three-month extension of time so that the present Amendment is due by March 19, 2007.

In the office action, claims 1-43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno, U.S. Patent No. 4,667,248, (hereinafter "Kanno") in view of Dwyer, et al., U.S. Patent No. 5,706,457, (hereinafter "Dwyer") and in further view of Baron, et al., U.S. Patent Application Publication 2003/0084406 A1, (hereinafter "Baron").

With regard to independent claim 1, the Examiner contends that Kanno teaches a first display region for displaying a plurality of digital images which is populated by selected digital images from an archive set, or first memory area. It is also the Examiner's contention that Kanno teaches a second working area for displaying a "paste board image" which is the layout of the images from the first display area. The Examiner concedes that Kanno does not expressly teach a contact sheet view of an imported image set, a storyboard sequence, or creating and displaying companion image items according to the storyboard sequence.

Applicant respectfully disagrees with the Examiner's characterization of Kanno. First and foremost, Kanno does not teach a display region for displaying a "plurality" of digital images. Quite the contrary, Kanno discusses only a display

region adapted for "individually" displaying documents. Kanno does not expressly teach the use of digital images as disclosed in claim 1. Secondly, Kanno does not teach a second working area for displaying the "images" from the first display area, referred to by the examiner as a "pasteboard image". Rather, the "pasteboard image information" discussed in Kanno is clearly limited to "partial images" alone. Whole images or documents are specifically excluded. Thus, because there is no: a) display region for displaying a "plurality" of images; or b) a working area for the display of full images from any purported first display area, Kanno does not teach or suggest the referenced features of present claim 1. Applicant agrees with the Examiner's concession that Kanno does not expressly teach a contact sheet view of an imported image set, a storyboard sequence, or creating and displaying companion image items according to the storyboard sequence.

The Examiner finds, however, that the Dwyer reference teaches a contact sheet view, ,but concedes that it doess not expressly teach a storyboard sequence, or creating and displaying companion image items according to the storyboard sequence.

The Examiner contends that Baron teaches a storyboard sequence as a logical sequence. Further, the Examiner contends that Baron also teaches displaying companion image items according to the storyboard sequence.

Applicant respectfully disagrees with the Examiner's characterization of Baron. Baron clearly does not teach arranging digital images into a selected storyboard sequence as in present claim 1. Rather, Baron discusses a "method

to print documents in a booklet format directly from a graphic editor." It expressly states that the disclosure involves allowing a "user to have a booklet print option available as a print option of a graphic editor." Furthermore, Baron does not teach displaying pairs of companion image items on a display according to a storyboard sequence. There is no storyboard disclosed in Baron at all. Further, any such sequencing of items in Baron relates to allowing a user to have a mere booklet print option, not a storyboard sequence. As a result, Baron does not teach or suggest the claim limitations of claim 1 advanced by the Examiner.

With regard to claim 1, Kanno, Dwyer or Baron wholly lack any disclosure of arranging images into a storyboard sequence. None of the cited art disclose a storyboard or storyboard sequence. Neither does the cited art teach associating image data with at least some of the digital images, thereby to define pairs of companion image items. Furthermore, none of the references teach displaying pairs of companion image items on a display according to a storyboard sequence as in present claim 1. As a result, none of the cited references teach or suggest the claim limitations of claim 1.

It is the Examiner's contention that Kanno, Dwyer and Baron are all combinable and that they all involve the art of image manipulation and output. Whether combinable or not, Applicant would kindly remind the Examiner that the mere fact that cited art can be combined does not render the resultant combination obvious unless the cited art suggests the desirability of the combination.

The Examiner contends that it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Kanno, Dwyer and Baron. Applicant respectfully disagrees. More specifically, the Examiner contends that the suggestion or motivation for combining the teachings of the references is that Kanno teaches a first image area holding images to be worked, and a second image area for the working or file images. We expressly disagree as we have already discussed in detail above. There is no motivation in Kanno to populate a second working area with selected digital images. Rather, Kanno only suggests populating a second document with partial, cut images from other documents. Thus, any images in Kanno's first image area do not remain intact when exported to the second working area. This, alone, distinguishes the present invention of at least claim 1 from any reasonable interpretation of Kanno, whether viewed alone or in combination. Furthermore, there is no motivation to make claim 1 found in Kanno because it does not teach: arranging digital images into a selected storyboard sequence, associating image data with at least some of the digital images thereby to define pairs of companion image items, or displaying of those companion image items on a display according to a storyboard sequence.

The Examiner contends that Baron teaches a method of display of a work product which could fit into the second work area of Kanno. Applicant respectfully disagrees. Baron allows a "user to have a booklet print option available as a print option of a graphic editor." Baron teaches the printing of pages, not a display. Most certainly, Baron does not disclose arranging digital

images into a selected storyboard sequence. Nor does Baron suggest associating image data with at least some of the digital images, thereby to define pairs of companion image items. Lastly, Baron does not teach the display of those companion image items on a display according to a storyboard sequence.

The Examiner further contends that Kanno teaches editing single pages, and that Baron teaches a method to logically extend the single page display to one of multiple pages, for the obvious benefit of additional publishing options for the user. Kanno teaches editing single pages, but, again, Baron does not teach a display, arranging digital images into a selected storyboard sequence, associating image data with at least some of the digital images thereby to define pairs of companion image items, or displaying of those companion image items on a display according to a storyboard sequence. Rather, Baron merely discloses a print option. The mere fact that Baron or Kanno can be modified does not render the resultant combination obvious unless the cited art suggests the desirability of the combination. Again, that is clearly lacking in the present case.

With regard to independent claim 15, 20, 28, 37, 42 and 43, the Examiner contends that they incorporate substantially similar subject matter as claimed in claim 1 and therefore are rejected along the same rationale. To the extent the Examiner maintains these claims are indistinguishable, Applicant respectfully disagrees. Notwithstanding the above, and without commenting on what the Examiner intends to mean by such statement, Applicant here submits the same arguments made above with regard to claim 1, by analogy with respect to claims 15, 20, 28, 37, 42 and 43, in addition to providing the following remarks:

With regard to independent claim 15, the cited references do not disclose arranging said digital images into a selected contact sheet sequence, correlating respective image data with each of said digital images thereby to define pairs of companion image items, or arranging the pairs of companion image items into a selected storyboard sequence whereby the pairs of companion image items may be selectively displayed according to a storyboard sequence. In the absence of such teaching, there would be no motivation to combine the references to do so. The argument applies equally to claims 42 and 43.

With regard to independent claim 20, a similar argument applies. Additionally, the cited art does not disclose controlling an output device to display pairs of companion items on a display medium according to a storyboard sequence.

With regard to independent claim 28, none of the cited art discloses editing capabilities which permit user defined image data to be respectively associated with each of the plurality of digital images.

With regard to independent claim 37, none of the cited art disclose controlling a display device and output device to display pairs of companion image items to the storyboard sequence.

In general, with regard to independent claims 1, 15, 20, 28, 37, 42 and 43, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Kanno, Dwyer and Baron. Applicant respectfully disagrees with the Examiner's contention. First and foremost, the cited references do not disclose the

arrangement, display or viewing of images as a storyboard. They further fail to disclose the association of image data with at least some digital images. As a result, the cited art does not teach or suggest all of the claim limitations of presently disclosed independent claims. Furthermore, in the absence of many of the disclosures recited in the independent claims, the Applicant can find no suggestion or motivation to modify the cited references or combine the cited reference teachings either in the cited references themselves or in the knowledge generally available to one of ordinary skill in the art. The mere fact that the cited references can be combined or modified does not render the resultant combination obvious unless the cited art suggests the desirability of the combination. Based on at least the foregoing, Applicant submits that the Examiner has failed to established a *prima facie* rejection oft claims 1, 15, 20, 28, 37, 42 and 43 under 35 U.S.C. 103.

With regard to the dependent claims, Applicant would respectfully remind the Examiner that if an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious. Notwithstanding the above, Applicant would like to address various features recited in certain of the dependent claims.

Regarding dependent claim 5, the Examiner contends that Kanno in view of Dwyer and further in view of Baron teaches "a computerized method according to claim 1 whereby those digital images which populate both said first working area and said second working area appear in a common ordered arrangement." Examiner refers Applicant to Dwyer. Respectfully, Dwyer fails to disclose a first

and second working area. Furthermore, the common ordered arrangement in the present claim may include an arrangement where the images are ordered in a storyboard sequence. The cited references do not disclose the arrangement, display or viewing of images as a storyboard. They also fail to disclose the association of image data with at least some digital images. It cannot reasonably be maintained that the cited references teach or suggest the arrangement, display or viewing of images as a storyboard, where image data is associated with some of the digital images, and whereby those digital images which populate both said first working area and said second working area appear in a common ordered arrangement.

With regard to dependent claim 6, the Examiner contends that Kanno in view of Dwyer and further in view of Baron teaches "a computerized method according to claim 1 whereby said working image set and said imported image set are the same." The Examiner notes that the working image set and the imported image set are the same upon use of all imported images in the working set. It is the Examiner's contention that it would have been obvious to one of ordinary skill in the art at the time of the invention to have imported all of the imported image set to the working set for the obvious and beneficial purpose of working with a complete set of images. The Examiner has failed to point Applicant to a particular reference wherein such is said to occur. As a result, Examiner has failed to establish a prima facie case of obviousness.

With regard to dependent claims 7, the Examiner contends that Kanno in view of Dwyer and further in view of Baron teaches "a computerized method

according to claim 1 whereby the respective image data is selected from a first group of data types consisting of text-only data, non-text data, and a mixture of text-only data and non-text data." The Examiner contends that this is taught in Dwyer figure 5a. In figure 5a, Dwyer shows the appendage of text file information relating to copy time, date, serial number and comments for image to hard disk apparently to image description fields. Dwyer does not disclose non-text data.

With regard to dependent claim 8, the Examiner contends that Kanno in view of Dwyer and further in view of Baron teaches "a computerized method according to claim 7 whereby said non-text data is selected from a second group of data types consisting of graphic images, photographic images and a mixture of graphic images and photographic images." With regard to dependent claims 34 and 39, the Examiner contends that they incorporate substantially similar subject matter as claimed in claim 8 and therefore rejects the claims along the same rationale. Examiner contends that this is disclosed in Dwyer col. 4, lines 60-62. That reference in Dwyer discloses the time and date when a picture was taken along with the serial number of the camera which is disclosed as automatically being appended to the image. This is clearly not the presently disclosed "second group of data types consisting of graphic images, photographic images and a mixture of graphic images and photographic images."

With regard to dependent claim 10, the Examiner contends that Kanno in view of Dwyer and further in view of Baron teaches "a computerized method according to claim 1 whereby the pairs of companion image items are displayed

as an electronic book." Examiner contends that this is shown in Baron paragraph [0009] and [0018]. Baron discloses a means for ordering images in a "booklet layout," whereas the present disclosure contemplates a true book.

Regarding dependent claim 11, the Examiner contends that Kanno in view of Dwyer and further in view of Baron teaches "a computerized method according to claim 1 whereby the archive image set and imported image set are the same." The Examiner notes that the archive image set and the imported image set are the same when the user imports the entire archive set into the imported image set. It is the Examiner's contention that it would have been obvious to one of ordinary skill in the art at the time of the invention to have imported the entire archive set for the obvious and beneficial purpose of having access to the entire set of documents to work with for the final document. The Examiner has failed to point Applicant to a particular reference wherein such is said to occur. As a result, Examiner has failed to establish a prima facie case of obviousness.

With regard to dependent claim 12, the Examiner contends that Kanno in view of Dwyer and further in view of Baron teaches "a computerized method according to claim 1 comprising generating a front cover and a back cover for the electronic literary work by utilizing at least one selected digital image from said archive image set." Examiner contends that this is disclosed in Dwyer paragraph [0020]. It is the Examiner's contention, with regard to claim 12, that it would have been obvious to one of ordinary skill in the art at the time of the invention to treat the first page of a booklet as a front cover page, with a title, etc., and to treat the last page as a back cover page, for the obvious and

beneficial purpose of constructing a common and standard-looking booklet. With regard to dependent claim 25, the Examiner contends that it incorporates substantially similar subject matter as claimed in claim 12 and therefore rejects the claim along the same rationale. Dwyer paragraph [0020] does not exist. As such, the Examiner has failed to point Applicant to a particular reference wherein such is said to occur. As a result, Examiner has failed to establish a prima facie case of obviousness.

With regard to dependent claim 14, the Examiner contends that Kanno in view of Dwyer and further in view of Baron teaches "a computerized method according to claim 1 comprising associating a page number to each item within each of the pairs of companion image items, thereby to generate a numerical page sequence which chronologically corresponds to the selected storyboard sequence." With regard to dependent claims 19, 26 and 41, the Examiner contends that it incorporates substantially similar subject matter as claimed in claim 14 and therefore rejects the claims along the same rationale. Dwyer paragraph [0010] does not exist. As such, the Examiner has failed to point Applicant to a particular reference wherein such is said to occur. As a result, Examiner has failed to establish a prima facie case of obviousness.

Lastly, with regard to dependent claim 36, the Examiner contends that Kanno in view of Dwyer and further in view of Baron teaches "a system according to claim 28 wherein each of said composition component, said storage component and said viewing component is at a distinct, remote location from one another, and including suitable communications interfaces for enabling data

transmission therebetween." Examiner points to Baron paragraph [0018] and Dwyer, col. 1, lines 28-41. The Examiner concedes that the references do not expressly teach wherein each of the components is remote from the others. It is the Examiner's contention that Baron teaches that the printing may be remote from the working area. It is the Examiner's contention that Dwyer teaches that the archive images may be imported from a remote location. It is the Examiner's contention that it would have been obvious to one of ordinary skill in the art at the time of the invention who had suitable communications interfaces and a need for the data to be stored at remote locations to have located the files remotely. It is the Examiner's contention, with regard to claim 36, that the suggestion or motivation for remote location of the files is taken from the above-cited references, from Baron and Dwyer, teaching remote locations for some files and for the obvious and beneficial purpose of efficient local memory usage or data sharing. It is the Examiner's contention that it would have been obvious to one of ordinary skill in the art at the time of the invention to have located the stored data in locations remote from each other, yet in communication with each other by adequate data transmission, as is specified in claim 36. The cited references do not teach the composition or viewing component being at a distinct remote location from one another.

For the reasons stated herein, Applicant would respectfully submit that claims 1 through 43 of the present application is not obvious under 35 U.S.C. 103. As a result, Applicant believes that claims 1 through 43 are allowable. If

the Examiner should have any questions regarding this matter, please feel free to contact our office at your convenience.

No additional claims fees are believed to be payable upon the Amendment. However, the Commissioner is hereby authorized to charge any deficiency in the required fees, or to credit any overpayment, to deposit account number 13-1940.

Based on the foregoing, Applicants submit that the present application is in complete condition for allowance, and action to that end is courteously solicited.   If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number listed below.

Respectfully submitted,

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